

Appl. No. 09/379,492

Amendment dated: February 13, 2004

Reply to OA dated: January 16, 2004

REMARKS

Applicant notes that claims 23-26, 32-35 and 37-40 are objected to but otherwise allowable as containing allowable subject matter. Claims 20-22 and 27-31 stand rejected.

Applicant has restricted the application to the allowable subject matter by canceling all the claims from the application and replacing the objected to claims with corresponding claims 41-52 which contain the subject matter which has been indicated to be allowable.

Applicant also submits herewith a copy of a supplemental Appendix of the Claims which was presented at the Board of Appeals by the undersigned attorney. This is to complete the record and ensure that this Appendix is present in the file of the present application. The Appendix was necessitated by an obvious clerical error in not carrying over the proper claim 37 that was under Final Rejection. This error was first noted by the undersigned attorney when preparing for the oral argument. It was not noted at the time of filing the brief. The claims in the brief were not correct in that claim 37 in the appeal brief differed from claim 37 which was at the time under final rejection. Finally rejected claim 37 was to an aerosol dispenser according to claim 25 wherein the flanges are rolled and crimped after they have been welded together. This was discussed at the Board of Appeals and the appeals decision is based upon the correct finally rejected claim. In addition, claim 39 on appeal contained an obvious minor typographical err. In rewriting this claim, this error has been corrected.

Claims 41-44 correspond to allowed claims 26 and 23-25 respectively. Claim 45 corresponds to allowable claim 37, claim 46 corresponds to allowable claim 38. Claims 47-50 correspond respectively to allowable claims 32, 33, 34 and 35. Claim 51 corresponds to allowable claim 40 and claim 52 corresponds to allowable claim 39.

Appl. No. 09/379,492

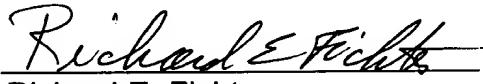
Amendment dated: February 13, 2004

Reply to OA dated: January 16, 2004

It is most respectfully submitted that claims 41-52 are in full compliance with 35 U.S.C. 112 and are clearly patentable over the references of record. These claims are clearly allowable and this Amendment places the application in condition for allowance.

Respectfully submitted,

BACON & THOMAS, PLLC

By: 
Richard E. Fichter
Registration No. 26,382

625 Slaters Lane, 4th Fl.
Alexandria, Virginia 22314
Phone: (703) 683-0500
Facsimile: (703) 683-1080

REF:kdd
A05revised.wpd

February 14, 2004

Appeal Number: 2003-0665
Burt et al
Serial Number: 09/379,492

SUPPLEMENTAL APPENDIX

CORRECTED CLAIMS ON APPEAL (PRESENTED TO BOARD OF APPEALS AT ORAL ARGUMENT, SEPTEMBER 10, 2003)

This copy of the claims on appeal includes a corrected copy of claim 37, as presented in the amendment filed October 12, 2001, and finally rejected on December 31, 2001. The copy of the claims submitted with the brief contained an incorrect copy of claim 37.

20. An aerosol dispenser comprising a body, a closure sealed to the body, and means for dispensing material from the interior of the dispenser, wherein the closure is welded ultrasonically to the body by a metal-to-metal weld.

21. An aerosol dispenser according to claim 20, wherein the metal-to-metal weld is between annular flanges on the body and closure extending circumferentially about the axis of the body and closure.

22. An aerosol dispenser according to claim 21, wherein the flanges are outwardly directed and flat.

23. An aerosol dispenser according to claim 21 wherein the flanges are axially directed and cylindrical.

24. An aerosol dispenser according to claim 21 wherein the flanges are welded, rolled and crimped together.

Appeal Number: 2003-0665
Burt et al
Serial Number: 09/379,492
Corrected claims (claim 37) on appeal

25. An aerosol dispenser according to claim 21 wherein one of the flanges is of greater width than the other, and wherein the outer edge portion of the wider flange forms a U within which the outer edge portion of the narrower flange is located, both said edge portions extending generally parallel to the adjacent wall of the body.

26. An aerosol dispenser according to claim 20, which is an inhaler and contains an aerosol medicament.

27. A method of assembling an aerosol dispenser comprising a metal body, a metal closure, and means for dispensing material from the interior of the dispenser, wherein the closure is welded ultrasonically to the body by a metal-to-metal seal.

28. A method of assembling an aerosol dispenser according to claim 27, wherein the closure, which comprises an annular flange extending circumferentially about its axis, is positioned at the open end of and coaxially with the body, which comprises a complementary annular flange extending circumferentially about its axis, such that the flanges are parallel and in contact with each other.

29. A method of assembling an aerosol dispenser according to claim 28, wherein the flanges are welded together by means of an ultrasonic welding head which is brought into communication with the flanges and moved circumferentially along the flanges to create a substantially continuous weld between the flanges until a complete revolution about the axis of the closure and body has been performed.

30. A method of assembling an aerosol dispenser according to claim 28 wherein the flanges are outwardly directed and flat.

Appeal Number: 2003-0665
Burt et al
Serial Number: 09/379,492
Corrected claims (claim 37) on appeal

31. A method of assembling an aerosol dispenser according to claim 29, whereby the ultrasonic welding head causes relative vibration between the flanges in a direction which is radial with respect to the said axis.

32. A method of assembling an aerosol dispenser according to claim 28 wherein the flanges are bent to lie in a substantially axial direction after the flanges have been welded together.

33. A method of assembling an aerosol dispenser according to claim 28 wherein the said flanges are axially directed and cylindrical.

34. A method of assembling an aerosol dispenser according to claim 33 wherein the ultrasonic welding head causes relative vibration between the flanges in an axial direction.

35. A method of assembling an aerosol dispenser according to claim 28 wherein one of the said flanges is of greater width than the other and after the flanges have been welded together the wider flange is rolled and crimped around the other flange.

37. An aerosol dispenser according to claim 25 wherein the flanges are rolled and crimped after they have been welded together.

38. An aerosol dispenser as claimed in claim 37, wherein the aerosol dispenser is an inhaler containing an aerosol medicament.

Appeal Number: 2003-0665

Burt et al

Serial Number: 09/379,492

Corrected claims (claim 37) on appeal

39. A method of assembling an aerosol dispenser according to claim 28 wherein the and the flanges are rolled and crimped after they have been welded together and the aerosol dispenser is an inhaler and an aerosol medicament is added to the dispenser and pressurized.

40. A method of assembling an aerosol dispenser according to claim 35 wherein the aerosol dispenser is an inhaler and an aerosol medicament is added to the dispenser and pressurized.